

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEBORAH MOSS, On Behalf of Herself and All :
Others Similarly Situated, :

Plaintiff, :

- against - :

FIRST PREMIER BANK, a South Dakota State- :
Chartered Bank, :

Defendant. :

Case 2:13-cv-05438-JFB-GRB

STIPULATION TO VACATE
STAY OF DISCOVERY

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WHEREAS, on May 24, 2018, the parties appeared by telephone before the Court seeking permission to file: (1) Plaintiff Deborah Moss's ("Moss's") contemplated motion for leave to file a third amended complaint; and (2) Defendant First Premier Bank's ("First Premier's") contemplated motions for summary judgment and for a determination that a class cannot be certified in this case. The Court directed First Premier to not bring its motions at that time and advised that First Premier could bring its motions, if necessary, after the Court ruled on Moss's motion for leave to file a third amended complaint.

WHEREAS, during the May 24, 2018 appearance, First Premier requested that discovery be stayed during the motion process and Moss consented to stay discovery. (Doc. 157)

WHEREAS, on June 6, 2018, the Court "so ordered" a stipulation to dismiss with prejudice Plaintiff's causes of action for unjust enrichment and permanent injunctive relief. (Doc. 159)

WHEREAS, on March 28, 2019, the Court granted Plaintiff's motion for leave to file a third amended complaint. (Doc. 173)

WHEREAS, on March 28, 2019, Moss filed her third amended complaint. (Doc. 174)

WHEREAS, on April 11, 2019, First Premier filed its answer to the third amended complaint. (Doc. 176)

WHEREAS, First Premier still intends to bring its motion for a determination that a class cannot be certified in this case, together with a potential motion regarding whether the Court has been deprived of subject-matter jurisdiction based on relief received by Moss, following a limited period of discovery to address these issues (see Docs. 178, 179, 180).

The parties have conferred and now stipulate to vacate the consent stay of discovery.

Dated: May 28, 2019

Respectfully submitted,

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Attorneys for Defendant First PREMIER Bank

SO ORDERED:

Joseph F. Bianco, U.S.D.C.J.

CERTIFICATE OF SERVICE

I hereby certify that on 28th day of May 2019, the foregoing document was filed electronically Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Darren T. Kaplan
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